

**City of Aztec
ORDINANCE 2023-529**

An Ordinance Amending Chapter 1, Sec. 1-12. Mandatory Penalty and Fees

WHEREAS: The Animal Care and Control staff along with the Community Development staff in pursuit to allow the use of chicken hens within R-1 zoning district; and

WHEREAS: The implementation of said use also requires fines to be established if such use is violated; and

WHEREAS: The fines needed to be established to accommodate such changes.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Aztec, New Mexico that Ordinance 2023-529 Amends Chapter 1, Sec. 1-12. Mandatory Penalty and Fees to be adopted as attached.

PASSED, APPROVED, SIGNED AND ADOPTED this 23rd day of May 2023, by the Aztec City Commission, City of Aztec, New Mexico.

Mayor Michael A. Padilla Sr.

ATTEST:

Karla Saylor, City Clerk CMC

APPROVE AS TO FORM:

City Attorney

Advertised Date of Final Adoption: _____

Effective Date of Ordinance: _____

Chapter 1 GENERAL PROVISIONS

Sec. 1-12. Mandatory Penalty and Fees; Disposition and Use of Fees.

1. Mandatory Penalty. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, the maximum penalty for violation of any municipal ordinance shall be as follows:
 - (1) Except for those violations of ordinances described in subsections 1-2 and 1-3 of this section, a fine of not more than five hundred dollars (\$ 500.⁰⁰) or imprisonment for not more than ninety (90) days or both;
 - (2) For violations of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a fine of not more than nine hundred and ninety-nine dollars (\$ 999.⁰⁰) or imprisonment for not more than one hundred seventy-nine (179) days or both; and
 - (3) For violations of a industrial user waste-water pretreatment ordinance as required by the United States Environmental Protection Agency, a fine of not more than nine hundred and ninety-nine dollars (\$ 999.00) a day for each violation.
(Code 2007, 1-12-1)
2. Specific Penalty Schedule. A fine and fee schedule for specific penalties.
 - (3) *Animals*. In reference to [Chapter 5](#).

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
5-223	Unauthorized Removal of Animals	No	\$ 100		\$ 100
5-235	Failure to Return Adopted Animal for Spay/Neuter Surgery	No	\$ 200		\$ 200
5-301	Liability of Damages Caused by Animal	Yes	Set at Hearing	\$ 29	Set at Hearing
5-302	Restraint Devices	No	\$ 150	--	\$ 150
5-303	Identification Required	No	\$ 65		\$ 65
5-401	Interference with Animal Control Officer	Yes	Set at Hearing	\$ 29	Set at Hearing
5-402	Service Animals Trained to Assist	No	\$ 300	--	\$ 300
5-403	Fraudulent Use of Rabies and License Tags	No	\$ 100	--	\$ 100
5-421	Inhumane Treatment of Animals	Yes	Set at Hearing	\$ 29	Set at Hearing
5-422	Leg-Foot hold Traps Prohibited	Yes	Set at Hearing	\$ 29	Set at Hearing
5-431	Animals At Large				
	1 st Offense	No	\$ 100	-	\$ 100
	2 nd Offense	No	\$ 150	-	\$ 150

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
	3 rd Offense	No	\$ 200	--	\$ 200
	4 th Offense	No	Set Hearing	-	Set Hearing
5-432	Animals Disturbing the Peace				
	1 st Offense	No	\$ 100	-	\$ 100
	2 nd Offense	No	\$ 150	-	\$ 150
	3 rd Offense	No	\$ 200	-	\$ 200
	4 th Offense	No	Set Hearing	-	Set Hearing
5-433	Animal Defecation: Clean-Up	No	\$ 100	-	\$ 100
5-441	Sale Or Gift of Animals	No	\$ 200	-	\$ 200
5-442	Animals On Unenclosed Premises				
	1 st Offense	No	\$ 100	-	\$ 100
	2 nd Offense	No	\$ 150	-	\$ 150
	3 rd Offense	No	\$ 200	-	\$ 200
	4 th Offense	No	Set Hearing	-	Set Hearing
5-443	Unlawful Retention of Strays	No	\$ 75	-	\$ 75
5-444	Poultry	No	\$ 50	-	\$ 50
	1 st Offense	No	\$ 100	-	\$ 100
	2 nd Offense	No	\$ 150	-	\$ 150
	3 rd Offense	No	\$ 200	-	\$ 200
	4 th Offense	No	Set Hearing	-	Set Hearing
5-501	Rabies Vaccination Required	No	\$ 75	-	\$ 75
5-601	Dangerous Animal	Yes	Set at Hearing	\$ 29	Set at Hearing
5-721	Intact Animal Permit Required	No	\$ 250	-	\$ 250
5-731	Limit on the Number of Dogs and Cats (Multiple Animal Permit Required)	No	\$ 250	-	\$ 250
5-741	Breeder Permit Required	No	\$ 250	-	\$ 250
5-742	Enclosure for Breeding Animals	No	\$ 50	-	\$ 50
5-801	Mandatory Spaying and Neutering	No	\$ 250	-	\$ 250

(Ord. 2018--485, eff. 2019-Jan-13; Ord. 2018-472, eff. 2018-May-01; Ord. 2014-438, eff. 2014-Mar-18)